

1 KEKER & VAN NEST, LLP  
2 ELLIOT R. PETERS - #158708  
3 DANIEL PURCELL - #191424  
4 STEVEN P. RAGLAND - #221076  
5 710 Sansome Street  
6 San Francisco, CA 94111-1704  
7 Telephone: (415) 391-5400  
8 Facsimile: (415) 397-7188

5 COLEMAN & BALOGH LLP  
6 ETHAN A. BALOGH - #172224  
7 255 Kansas Street, Suite 340  
8 San Francisco, CA 94103  
9 Telephone: (415) 565-9600  
10 Facsimile: (415) 565-9601

9 Attorneys for Plaintiff  
10 JOHN TENNISON

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13  
14 JOHN TENNISON,

15 Plaintiff,

16 v.

17 CITY AND COUNTY OF  
18 SAN FRANCISCO; SAN FRANCISCO  
19 POLICE DEPARTMENT; PRENTICE EARL  
SANDERS; NAPOLEON HENDRIX; and  
GEORGE BUTTERWORTH,

20 Defendants.

Case No. C 04-00574 CW

Consolidated with  
Case No. C 04-01643 CW

**STIPULATION AND ORDER  
CONTINUING FURTHER CASE  
MANAGEMENT CONFERENCE AS  
MODIFIED**

21

22

23

24

25

26

27

28

---

STIPULATION AND PROPOSED ORDER CONTINUING FURTHER CASE MANAGEMENT CONFERENCE

Case No. C 04-00574 CW

Consolidated with

Case No. C 04-01643 CW

## RECITAL

The Court's Case Management Order of April 6, 2006, set a further case management conference in this matter for October 6, 2006, at 1:30 p.m. The Order noted, "If no decision is made by the Ninth Circuit [regarding pending appeals of this Court's partial denial of defendants' summary judgment motions] by October 6, 2006, the parties can stipulate to continue the Case Management Conference."

On October 2, 2006, this Court ordered that the Case Management Conference be continued until June 8, 2007, at 1:30 p.m.

On May 14, 2007, this Court issued a Clerk's Notice, which rescheduled the Case Management Conference for June 12, 2007, at 2:00 p.m.

On June 1, 2007, this Court ordered that the Case Management Conference be continued until August 7, 2007.

The Ninth Circuit heard oral argument in this case on July 12, 2007, at 9:00 a.m., but has not yet entered a decision.

The parties agree that it would be a waste of time and judicial resources for the Court to hold a case management conference prior to entry of a decision by the Ninth Circuit.

## **STIPULATION**

For the forgoing reasons, the parties, through their undersigned counsel, stipulate and agree to entry of an order continuing the further case management conference from August 7, 2007 to a mutually agreed upon date no later than 30 days after entry of the Ninth Circuit's decision in this matter. And within 7 days of entry of the Ninth Circuit's decision, the parties will submit a stipulation and proposed order requesting a specific date for the further case management conference and the submission of case management conference statements.

## IT IS SO STIPULATED.

1 Dated: July 20, 2007

KEKER & VAN NEST, LLP

2  
3 By: \_\_\_\_\_

4 KHARI J. TILLERY  
5 Attorneys for Plaintiff  
JOHN TENNISON

6 Dated: \_\_\_\_\_, 2007

THE SCOTT LAW FIRM

7  
8 By: \_\_\_\_\_

9 JOHN HOUSTON SCOTT  
10 Attorneys for Plaintiff  
ANTOINE GOFF

11 Dated: \_\_\_\_\_, 2007

MOSCONE, EMBLIDGE & QUADRA

12  
13 By: \_\_\_\_\_

14 JAMES A. QUADRA  
15 Attorneys for Defendants  
PRENTICE EARL SANDERS and  
NAPOLEON HENDRIX

16 Dated: \_\_\_\_\_, 2007

OFFICE OF THE CITY ATTORNEY

17  
18 By: \_\_\_\_\_

19 CHRISTINE VAN AKEN  
20 Attorneys for Defendants  
CITY AND COUNTY OF SAN FRANCISCO and  
GEORGE BUTTERWORTH

21  
22  
23  
24  
25  
26  
27  
28 STIPULATION AND PROPOSED ORDER CONTINUING FURTHER CASE MANAGEMENT CONFERENCE

Case No. C 04-00574 CW

Consolidated with

Case No. C 04-01643 CW

## **ORDER**

GOOD CAUSE showing, it is hereby ordered that the further case management conference be continued **to December 4, 2007, at 2:00 p.m.**

IT IS SO ORDERED.

Dated: July 30, 2007

Charialeith

THE HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE